IN THE HIGH COURT OF UTTARAKHAND AT NAINIAL

Writ Petition No. 108 of 2006 (M/B)

Mahaveer Prashad …….. Petitioner

Versus

The State & others …… Respondents.

Ms. S.C. Bhatt, learned counsel for the petitioner.
Mr. S.K. Jain, learned counsel for respondent No.3.
Learned Standing Counsel for the State.

Hon'ble P.C. Pant, J.

Notices on behalf of respondent Nos. 1 and 2 are accepted by learned Standing Counsel for the State. Notices on behalf of respondent No.3 are accepted by Mr. S.K. Jain, Advocate.

2) Herd learned counsel for the parties.

3) Admittedly, the petitioner has taken a loan of Rs. 2,00,000/- in the year 2003 form the respondent No. 3 – Union Bank of India, Branch Tanakpur, District Champawat. Learned counsel for respondent No.3 doesn't dispute the payment made by the petitioner to the tune of Rs. 1,25,400/- through various deposits, photocopies of receipts of which are annexed as Annexure 1 to 9 the writ petition. The said receipts definitely indicate the willingness on the part of the petitioner to repay the loan as he had made the repayment every month from February 2005 to December 2005, expect for the months of March, July and August, 2005.

4) Learned counsel for the respondent No.3 states that he has no objection if the remaining amount of loan sought to be recovered through impugned recovery certificate amounting to

Rs. 1,15,410/- plus expenses is paid by the petitioner in six quarterly installments.

5) The writ petition is, therefore, summarily disposed of with the direction that the petitioner shall make the payment of the entire remaining sum in six quarterly instalements. The first instalment shall be paid by 31st March, 2006. If the instalments are regularly paid, no coercive measures shall be taken against the petitioner to execute the impugned recovery certificate, which is Annexure 10 to this petition. If the petitioner commits any default in the payment of the instalment as directed above, the recovery certificate in respect of the remaining amount of loan may be got executed as per the rules. (The urgency application and stay application also stand disposed of.)

(P.C. Pant, J.)
Vacation Judge

Dt. February 1, 2006
H.Negi